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ENERGY  
GAS AND OIL  
MINED LAND RECLAMATION  
MINERAL MINING  
MINERAL RESOURCES  
MINES  
ADMINISTRATION

April 8, 2016

Mr. Jon M. Capacasa, Director  
Water Protection Division  
Environmental Protection Agency (EPA) Region III  
1650 Arch Street 3WP41  
Philadelphia, Pennsylvania 19103-2029

Dear Mr. Capacasa:

This letter is in reply to EPA's specific objection comments regarding the draft discharge permit for Red River Coal Company's joint CSMO/NPDES permit number 1101401/0081401. Red River Coal Company has requested renewal/reissuance of their joint permit through application 1007840 and our agency prepared the draft as a result of our intentions to reissue the permit. We provided a copy of the draft discharge permit, with fact sheet, to your office for review. As a result of your review, your specific objections advise the Division of Mined Land Reclamation (DMLR) to add three conditions to the permit; conditions that would be included if EPA were to issue the permit. Those conditions are identified below and are followed with DMLR's responses.

- Total Dissolved Solids (TDS) Water Quality Based Effluent Limitations (WQBELs) consistent with the assumptions and requirements of the Waste Load Allocations (WLAs) assigned to this facility consistent with 40 CFR Section 122.44 (d) (1) (vii) (B) at the original outfall locations.

The permit does contain conditions and limitations consistent with the WLAs.

All coal mining waste load allocations (WLA) contained in the approved North Fork/South Fork Pound River Total Maximum Daily Load (TMDL) were derived from bimonthly monitoring data for constructed discharge locations and only data from constructed siltation structures was used. DMLR provided the data set - bimonthly monitoring results from constructed siltation structures from 1995 to 2009 - utilized by the consultant, MapTech Incorporated, to determine an existing condition allocation during preparation of the TMDL. The methodology was described in the EPA approved "Amendment to Benthic TMDL for North Fork and South Fork Pound River".

Consistent with the WLA calculations in the TMDL, DMLR only uses data from constructed discharge locations to derive mining waste loads. The mining waste loads are then compared to the corresponding allocations to determine if pollution reductions are needed, and as

necessary, DMLR assigns appropriate water quality based limitations via best management practices (BMPs) and/or offsets.

- Regulate the discharges from the original outfalls under the NPDES permit.

The permit appropriately regulates all water quality impacts from the facility.

This facility has a joint mining and discharge permit issued by DMLR and therefore all point sources within the delineated permit area are covered by monitoring and/or reclamation plans through final bond release. No constructed discharges or siltation structures exist at the original discharge locations. The areas have been reclaimed and streams restored per the joint permit requirements.

- Require effluent characterization of the original outfall locations consistent with the requirements of 40 CFR Section 122.21 (g).

No constructed discharges or siltation structures exist at the original discharge locations but water quality information representative of those locations is required. In order to help ensure compliance with Virginia's narrative water quality standards, routine benthic macroinvertebrate surveys and testing of thirty-nine water quality parameters – including all the metals analyses typically of mine effluent characterization – are required of Rat Creek and the South Fork Pound River.

Red River Coal Company's PN 1101401/0081401 is a reclaimed surface mine located in the South Fork of the Pound River. The joint mining and discharge permit was originally issued in January 1992. The facility was a remining operation with alternate effluent limitations developed consistent with the Rahall provisions of the Clean Water Act. There is no remaining coal extraction to be conducted under this permit and only four constructed outfalls remain.

Because DMLR believes that this permit contains sufficient conditions to ensure compliance with water quality standards and is consistent with the assumptions and requirements of waste load allocations established for the South Fork of the Pound River, we respectfully request EPA to lift their objections to the renewal of this permit.

If you have any questions regarding this response, please contact me at 276-523-8286, Joey O'Quinn at 276-523-8179.

Sincerely,

A handwritten signature in blue ink on an orange rectangular background. The signature reads "Randy R. Casey" in a cursive script.

Randy R. Casey  
Division Director  
Division of Mined Land Reclamation

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